

Remarks

This Application has been carefully reviewed in light of the Office Action mailed December 10, 2003. Claims 1-7, 10-12, 15-20, and 48 are currently pending. Claims 8-9, 13-14, and 21-47 are withdrawn from consideration. Although Applicants believe all pending claims are allowable without amendment, to expedite issuance of the Application, Applicants have made clarifying amendments to Claims 1-4 and 48. Applicants do not consider these changes necessary for patentability. Applicants respectfully request reconsideration and allowance of all pending claims.

**Claims 1 and 3-4 are Allowable over the Proposed
Randell-Teschler Combination**

The Examiner rejects Claim 1 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,745,687 to Jim Randell ("*Randell*") in view of *Demo Proves It—Workflow Spec Lets Messages Flow* by Leland Teschler ("*Teschler*"). Even assuming for the sake of argument that *Randell* and *Teschler* could be combined with each other as proposed, the proposed *Randell-Teschler* combination would still fail to disclose, teach, or suggest limitations recited in independent Claim 1 of the present Application.

As an example, nowhere does the proposed *Randell-Teschler* combination disclose, teach, or suggest, as recited in independent Claim 1, as amended:

- the computer-implemented process operable, when executing on the computer system, to communicate ***a first one or more of the predefined, executable software functions*** to a first one of the distributed nodes associated with a corresponding first one of the plurality of physically separated enterprises and, in connection with performance of ***the first one or more predefined, executable software functions*** at the first one of the distributed nodes, ***interact with the first one of the distributed nodes associated with the corresponding first one of the plurality of physically separated enterprises through performance of the first one or more predefined, executable software functions at the first one of the distributed nodes***; or
- the computer-implemented process operable, when executing on the computer system, to communicate ***a second one or more of the predefined, executable software functions*** to a second one of the distributed nodes associated with a corresponding second one of the plurality of physically separated enterprises and, in connection with performance of ***the second one or more predefined, executable software functions*** at the second one of the distributed nodes, ***interact with the second one of the***

distributed nodes associated with the corresponding second one of the plurality of physically separated enterprises through performance of the second one or more predefined, executable software functions at the second one of the distributed nodes, the second one or more predefined, executable software functions performed at the second one of the distributed nodes using as input a result of the performance of the first one or more predefined, executable software functions at the first one of the distributed nodes.

Nowhere does *Randell* describe these recited *predefined, executable software functions*. Instead, *Randell* merely discloses data defining an activity being communicated from a computer system to an agent so that the agent can perform the activity. (Column 4, Lines 21-23; Column 5, Lines 36-46; Column 6, Lines 32-36; Column 7, Lines 9-13; Column 7, Line 22, through Column 8, Line 47) In addition, the examples of such data set forth in *Randell*—design specifications and cost information—clearly teach away from the possibility that such data could be properly considered the *predefined, executable software functions* recited in independent Claim 1. (Column 7, Line 65, through Column 8, Line 6-22) There is certainly no disclosure, teaching, or suggestion in *Randell* that its computer system *interacts with one of the distributed nodes associated with one of the plurality of physically separated enterprises through performance of the one or more predefined, executable software functions at the distributed node*, as recited in independent Claim 1.

Teschler fails to make up for these deficiencies of *Randell*. *Teschler* merely discloses information about the status and flow of projects being sent back and forth between entities. (Page 1, Lines 1-2 and 10-24) Nowhere does *Teschler* disclose, teach, or suggest that such information includes the *predefined, executable software functions* recited in independent Claim 1, much less any of the operations involving the *predefined, executable software functions* specifically recited in independent Claim 1. For example, there is no disclosure, teaching, or suggestion in *Randell* that its computer system *interacts with one of the distributed nodes associated with one of the plurality of physically separated enterprises through performance of the one or more predefined, executable software functions at the distributed node*, as recited in independent Claim 1.

The deficiencies of *Randell* and *Teschler* individually, and of their proposed combination, are made even more apparent when the limitations discussed above are

considered in the context of the numerous other limitations recited in independent Claim 1, which must be considered as a whole, with weight given to each and every one of its recited limitations. For at least these reasons, independent Claim 1 is allowable over the proposed *Randell-Teschler* combination. Accordingly, Applicants respectfully request allowance of independent Claim 1 and all its dependent claims.

**Independent Claim 2 is Allowable over the Proposed
Randell-Teschler Combination**

The Examiner rejects Claim 2 under 35 U.S.C. § 103(a) as being unpatentable over *Randell* in view of *Teschler*. Even assuming for the sake of argument that *Randell* and *Teschler* could be combined with each other as proposed, the proposed *Randell-Teschler* combination would still fail to disclose, teach, or suggest limitations recited in independent Claim 2 of the present Application.

As an example, nowhere does the proposed *Randell-Teschler* combination disclose, teach, or suggest, as recited in independent Claim 2, as amended:

- the computer-implemented process operable, when executing on a computer system, to store ***a set of predefined, executable software functions*** for a workflow that are to be performed at a plurality of distributed nodes;
- the computer-implemented process operable, when executing on a computer system, to manage the workflow by automatically interacting with the workflow at each of the distributed nodes to perform ***the predefined, executable software functions***; and
- ***the set of predefined, executable software functions*** operable to generate a workflow between a plurality of enterprises.

Nowhere does *Randell* describe these recited ***predefined, executable software functions***. Instead, as discussed above, *Randell* merely discloses data defining an activity being communicated from a computer system to an agent so that the agent can perform the activity. In addition, the examples of such data set forth in *Randell*—design specifications and cost information—clearly teach away from the possibility that such data could be properly considered the ***predefined, executable software functions*** recited in independent Claim 2.

Teschler fails to make up for these deficiencies of *Randell*. As discussed above, *Teschler* merely discloses information about the status and flow of projects being sent back and forth between entities. Nowhere does *Teschler* disclose, teach, or suggest that such information includes the ***predefined, executable software functions*** recited in independent Claim 2, much less any of the operations involving the ***predefined, executable software functions*** specifically recited in independent Claim 2.

The deficiencies of *Randell* and *Teschler* individually, and of their proposed combination, are made even more apparent when the limitations discussed above are considered in the context of the numerous other limitations recited in independent Claim 2, which must be considered as a whole, with weight given to each and every one of its recited limitations. For at least these reasons, independent Claim 2 is allowable over the proposed *Randell-Teschler* combination. Accordingly, Applicants respectfully request allowance of independent Claim 2.

**Claims 5-7 and 48 are Allowable over the Proposed
Randell-Teschler Combination**

The Examiner rejects Claims 5-7 and 48 under 35 U.S.C. § 103(a) as being unpatentable over *Randell* in view of *Teschler*. Even assuming for the sake of argument that *Randell* and *Teschler* could be combined with each other as proposed, the proposed *Randell-Teschler* combination would still fail to disclose, teach, or suggest limitations recited in independent Claims 5 and 48 of the present Application.

As an example, nowhere does the proposed *Randell-Teschler* combination disclose, teach, or suggest, as recited in independent Claim 5, ***a computer-implemented process operable***, when executing on a computer system, ***to***:

- ***receive*** at the computer system ***a preliminary collaboration*** from a first enterprise; and
- ***automatically transmit the preliminary collaboration*** from the computer-implemented process at the computer system to a predefined second enterprise ***for review***.

- *receive* at the computer system *a response to the preliminary collaboration* from the second enterprise;
- *automatically transmit the response* of the second enterprise from the computer-implemented process at the computer system to the first enterprise *for review*; and
- *receive* at the computer system *a response to the response of the second enterprise* from the first enterprise, the responses of the first and second enterprises ultimately *resulting in a final collaboration based on the preliminary collaboration and optimized for the first and second enterprises*.

Independent Claim 48 recites substantially similar limitations.

The Examiner asserts, without explanation, that certain portions of *Randell* disclose these limitations. However, contrary to the Examiner's assertion, those portions of *Randell* merely disclose entry conditions for starting an activity. (Column 13, Lines 49-54; Figure 12) If the entry conditions are satisfied, the activity is assigned to an agent and an information packet associated with the activity is sent to the agent. (Column 12, Lines 47-53; Column 13, Lines 60-65; Figure 12) The agent then completes the activity and returns the information packet, and exit conditions of the activity are used to determine whether the activity has been completed. (Column 13, Line 49, through Column 14, Line 11; Figure 12) Nowhere do these portions of *Randell* disclose, teach, or suggest *review* of *a preliminary collaboration* involving the particular steps and resulting in the particular *final collaboration* recited in independent Claim 5.

Teschler fails to make for these deficiencies of *Randell*. Nowhere does *Teschler* disclose, teach, or suggest the workflow interoperability specification of *Teschler* even *generating a collaboration*, much less the workflow interoperability specification of *Teschler* generating a collaboration according to the particular limitations specifically recited in independent Claim 5.

The deficiencies of *Randell* and *Teschler* individually, and of their proposed combination, are made even more apparent when the limitations discussed above are considered in the context of the numerous other limitations recited in independent Claim 5, which must be considered as a whole, with weight given to each and every one of its recited limitations. For at least these reasons, independent Claim 5 is allowable over the proposed

Randell-Teschler combination. Accordingly, Applicants respectfully request allowance of independent Claims 5 and 48 and all their dependent claims.

**Claims 15-19 are Allowable over the Proposed
Randell-Teschler Combination**

The Examiner rejects Claims 15-19 under 35 U.S.C. § 103(a) as being unpatentable over *Randell* in view of *Teschler*. Even assuming for the sake of argument that *Randell* and *Teschler* could be combined with each other as proposed, the proposed *Randell-Teschler* combination would still fail to disclose, teach, or suggest limitations recited in independent Claim 15 of the present Application.

As an example, nowhere does the proposed *Randell-Teschler* combination disclose, teach, or suggest ***a computer-implemented process operable***, when executing on a computer system, ***to receive a final collaboration approved by first, second, and third enterprises***, as recited in independent Claim 15. *Randell* merely discloses exit conditions being used to determine whether a single activity that has been dispatched to a single agent has been completed. (Column 13, Line 49, through Column 14, Line 11; Figure 12) As discussed above, *Teschler* merely discloses information about the status and flow of projects being sent back and forth between retailers, distributors, and manufacturers. Thus, even assuming for the sake of argument that an activity of *Randell* or a project of *Teschler* could be properly considered ***a final collaboration***, the proposed *Randell-Teschler* combination would still fail to disclose, teach, or suggest that the activity or project is ***approved by first, second, and third enterprises***, as recited in independent Claim 15.

Because the proposed *Randell-Teschler* combination fails to disclose, teach, or suggest ***a final collaboration approved by first, second, and third enterprises***, the proposed *Randell-Teschler* combination also necessarily fails to disclose, teach, or suggest, as recited in independent Claim 15, the ***computer-implemented process operable to***, when executing on a computer system:

- ***automatically transmit a predefined first part of the collaboration*** from the computer-implemented process ***to a predefined second enterprise for operation at the second enterprise***; and

- *automatically transmit a predefined second part of the collaboration* from the computer-implemented process *to a predefined third enterprise for operation at the third enterprise.*

The deficiencies of *Randell* and *Teschler* individually, and of their proposed combination, are made even more apparent when the limitations discussed above are considered in the context of the numerous other limitations recited in independent Claim 15, which must be considered as a whole, with weight given to each and every one of its recited limitations. For at least these reasons, independent Claim 15 is allowable over the proposed *Randell-Teschler* combination. Accordingly, Applicants respectfully request allowance of independent Claim 15 and all its dependent claims.

**Claim 20 is Allowable over the Proposed
Randell-Teschler Combination**

The Examiner rejects independent Claim 20 under 35 U.S.C. § 103(a) as being unpatentable over *Randell* in view of *Teschler*. Even assuming for the sake of argument that *Randell* and *Teschler* could be combined with each other as proposed, the proposed *Randell-Teschler* combination would still fail to disclose, teach, or suggest limitations recited in independent Claim 20.

As an example, nowhere does the proposed *Randell-Teschler* combination disclose, teach, or suggest, as recited in independent Claim 20, *the computer-implemented process operable to*, when executing on a computer system:

- *receive* at the computer system *a first predefined set of data* associated with operation of a first portion of the collaboration at a first node of a first enterprise, the first set of data *having been collected in response to an automatic query of the first node for the first set of data*; and
- *receive* at the computer system *a second predefined set of data* associated with operation of a second portion of the collaboration at a second node of a second enterprise, the second set of data *having been collected in response to an automatic query of the second node for the second set of data.*

Randell merely discloses entry conditions for starting an activity. (Column 13, Lines 49-54; Figure 12) According to *Randell*, if the entry conditions are satisfied, the activity is

assigned to an agent and an information packet associated with the activity is sent to the agent. (Column 12, Lines 47-53; Column 13, Lines 60-65; Figure 12) Even assuming for the sake of argument that an agent of *Randell* could be properly considered *a first node* or *a second node*, *Randell* would still fail to disclose, teach, or suggest *a first predefined set of data having been collected in response to an automatic query of the agent for the first set of data* or *a second predefined set of data having been collected in response to an automatic query of the agent for the second set of data*. *Teschler* fails to make for these deficiencies of *Randell*. As discussed above, *Teschler* merely discloses information about the status and flow of projects being sent back and forth between retailers, distributors, and manufacturers.

Because the proposed *Randell-Teschler* combination fails to disclose, teach, or suggest *a first predefined set of data having been collected in response to an automatic query of the first node for the first set of data* or *a second predefined set of data having been collected in response to an automatic query of the second node for the second set of data*, the proposed *Randell-Teschler* combination also necessarily fails to disclose, teach, or suggest, as recited in independent Claim 20, *the computer-implemented process operable to*, when executing on a computer system:

- *automatically transmit the first set of data* from the computer-implemented process at the computer system *to a monitoring system in response to the querying of the first node*; and
- *automatically transmit the second set of data* from the computer-implemented process at the computer system *to the monitoring system in response to the querying of the second node*.

The deficiencies of *Randell* and *Teschler* individually, and of their proposed combination, are made even more apparent when the limitations discussed above are considered in the context of the numerous other limitations recited in independent Claim 20, which must be considered as a whole, with weight given to each and every one of its recited limitations. For at least these reasons, independent Claim 20 is allowable over the proposed *Randell-Teschler* combination. Accordingly, Applicants respectfully request allowance of independent Claim 20 and all its dependent claims.

Conclusion

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the Examiner believes that a telephone conference would advance prosecution of this Application, the Examiner is invited to call Christopher W. Kennerly, attorney for Applicants, at 214.953.6812.

Although Applicants believe no fee is due, the Commissioner is hereby authorized to charge any fee and credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
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